IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6292 OF 2005

Mr. Sella Muttu Ravi ...Applicant
Vs.
The State of Maharashtra ...Respondent

Mr. Girish Kulkarni for the Applicant.
Ms M.H. Mhatre, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : OCTOBER 03, 2005.

P.C.:

1. Heard the Advocate appearing for the Applicant and the learned A.P.P. for the State. The Applicant has been arrested in connection with an offence registered under sections 420, 406 and 34 of the Indian Penal Code.

2. The case of the prosecution is that the complainant and the brother-in-law of the Applicant were carrying on business in partnership. It is the case of the prosecution that the accused/Applicant looked after the business of the Firm. The allegation is that the Applicant opened a bogus account in the name of the firm and credited two cheques issued in the name of the Firm in the sum of Rs.56,549/- and Rs.38,816/-. Therefore, a complaint is filed on the basis of which the F.I.R. has been registered. The allegation is regarding misappropriation of Rs.93,365/-.

3. The Applicant was arrested on 30th August, 2005 and was remanded to the Police Custody by the learned Magistrate till 05th September, 2005. Application for bail made by the Applicant has been rejected by the learned Magistrate. Application for Bail made by the Applicant before the Sessions Court has been rejected even after recording the assurance of the Applicant to bring back the entire amount.

4. The Advocate for the Applicant has deposited a sum of Rs.96,000/- by demand draft in this Court. Demand Draft is drawn in favour of the Registrar-General of this Court. This amount represents the alleged misappropriated amount. In view of this position and considering the nature of allegations mentioned in the F.I.R., a case is made out for enlarging the Applicant on bail. However, stringent conditions will have to be imposed to ensure that he does not abscond.

5. Hence, I pass the following order:

: O R D E R :

i) The Applicant shall be enlarged on bail in

connection with **C.R.No.259 of 2005 registered with Pant Nagar Police Station, Mumbai** subject to furnishing a personal bond of **Rs.10,000/- with one or two local sureties** in the like amount. In case the Applicant furnishes cash bail, time of two weeks will be granted to the Applicant to furnish surety.

ii) The Bail is granted subject to condition that the Applicant will attend the concerned Police Station on every Saturday at 11.00 a.m. till the filing of the chargesheet and will co-opreate for investigation. After filing of the chargesheet the Applicant will continue to report the concerned Police Station once in a week.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

iv) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

vii) Sum of Rs.96,000/- deposited by the Applicant in this Court shall be transferred to the Court of the learned Metropolitan Magistrate, 49th Court, Vikroli, Mumbai.

viii) The parties to act upon an authenticated copy of this order.

JUDGE